

**MINUTES OF THE
ADMINISTRATIVE RULES REVIEW COMMITTEE**
Monday, November 17, 2008 – 2:00 p.m. – Room C450 State Capitol

Members Present:

Sen. Howard A. Stephenson, Senate Chair
Rep. Ben C. Ferry, House Chair
Sen. Gene Davis
Sen. Mike Dmitrich
Sen. Mark B. Madsen
Sen. Michael G. Waddoups
Rep. James R. Gowans
Rep. Kory M. Holdaway
Rep. Carol Spackman Moss

Members Excused:

Rep. Merlynn T. Newbold

Staff Present:

Mr. Arthur L. Hunsaker, Policy Analyst
Ms. Esther Chelsea-McCarty, Associate General Counsel
Ms. Tracey Fredman, Legislative Secretary

Note: A list of others present, a copy of related materials, and an audio recording of the meeting can be found at www.le.utah.gov.

1. Committee Business

Chair Ferry called the meeting to order at 2:18 p.m.

MOTION: Sen. Waddoups moved to approve the minutes of the October 31, 2008 meeting. The motion passed unanimously. Sen. Madsen was absent for the vote.

2. R277-117 Utah State Board of Education Protected Documents

Mr. Hunsaker introduced the issue and referred committee members to "R277-117-4. Confidentiality of RFP and RFP-like Proposals or Grants Prior to Release by the OSOE" which was distributed in the mailing packet.

Mr. Larry Shumway, Deputy Superintendent of Public Education, commented briefly on the draft and said that an amendment to clarify language in the draft will be prepared soon.

3. Suggested Amendments to the Administrative Rulemaking Act

Staff distributed "Section 63G-3-301, Rulemaking Procedures" containing proposed amendments to the Administrative Rulemaking Act.

Mr. Ken Hansen, Director, Division of Administrative Rules, explained the purpose of the amendments.

Rep. Ferry said the amendments will be prepared for the 2009 General Session.

4. Rules Not Filed In a Timely Manner - Subsections 63

Mr. Robert S. Yeates, Executive Director, Commission on Criminal and Juvenile Justice, and a member of the Judicial Performance Evaluation Commission established in the 2008 General Session, explained that because the commission was newly formed the Commission had been unaware of the deadline for rules to be in place. Mr. Yeates said that rulemaking would be at the top of the agenda as the Commission completes its organization.

Ms. Teresa Garrett, Director, Epidemiology and Laboratory Services, and Ms. Shalece Kofford, Epidemiologist (RN MPH), distributed "Justification for Delayed Rule Completion and Proposed Timeline" and a letter from Ms. Garrett to Senator D. Chris Butters, dated October 15, 2008. Ms. Garrett explained the

nature of the research needed to accomplish the requirements of 2008 General Session S.B. 209, "Methamphetamine Decontamination Standards and Funding." Ms. Garrett and Ms. Kofford responded to questions from the Committee and Ms. Garrett said that a draft rule should be ready within the next month.

5. Committee Business

The next meeting was scheduled for Monday, December 1, 2008 at 2:00 p.m.

6. Adjourn

MOTION: Rep. Holdaway moved to adjourn the meeting. The motion passed unanimously.

Chair Ferry adjourned the meeting at 3:15 p.m.